

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1482 - SB 1841

January 28, 2018

SUMMARY OF BILL: Establishes guidelines for agents or companies who offer electronic monitoring services when monitoring is ordered as a condition of release from custody.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$646,800 Incarceration*

Increase Local Expenditures – Exceeds \$384,300**

Assumptions:

- The proposed legislation creates a procedure for vendors providing monitoring services to register with judicial districts, and it establishes certain procedures for defendants and offenders ordered to participate in a monitoring program. The proposed procedures will have the practical effect of conditional releases being revoked leading to additional periods of confinement in prison or jail.
- Tennessee Code Annotated § 40-11-152 currently authorizes a court to order a global positioning monitoring system (GPS) as a condition of bail.
- Tennessee Code Annotated § 40-35-313(a) allows reasonable conditions to be established for probation. This includes GPS monitoring.
- Statistics from the Department of Correction (DOC) show that 863 offenders were monitored by GPS in 2017.
- The proposed legislation requires each defendant or offender ordered to participate in a monitoring program to pay the vendor for the monitoring service. The proposed legislation provides that a failure to pay for the monitoring service is a violation of conditional release.
- A violation of their conditional release would result in no graduated sanctions as established by the Public Safety Act, Chapter 906 of the Public Acts of 2016. Thus, a failure to pay for the monitoring service could result in the defendant or offender having their conditional release revoked and being confined in prison or jail.

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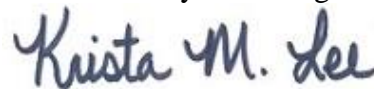
- At least 50 felony offenders on probation each year will fail to pay for the monitoring service, and their probation will be revoked by the court pursuant to the provisions of this legislation.
- The revocation of their probation will result in the offender being placed in the custody of the DOC.
- The probationer will serve an average of six months (182 days) after the revocation.
- According to the DOC, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- The recurring increase in state expenditures is estimated to exceed \$646,828 (182 days x 50 minimum offenders x \$71.08).
- At least 100 defendants released on bail each year will fail to pay for the monitoring service, and their release will be revoked by the court pursuant to the provisions of this legislation.
- The revocation of their bail will result in the offender being placed in the custody of the local jail.
- The defendant will serve an average of two months (61 days) awaiting disposition of their case.
- The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The mandatory recurring increase in local expenditures is estimated to exceed \$384,300 (61 days x 100 minimum offenders x \$63.00).

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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